IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

WP(C).No. 15288 of 2007(T)

AGAINST THE ORDER IN SC. 1552 /2006 IN SC.377/1998 of

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PETITIONERS:

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1. CHRISTY @ CHRISTOPHER,
   AGED 33 YEARS, S/O.ALPHY, THAYYIL HOUSE,
   MUKKAD, KAVANAD P.O., KOLLAM.

2. THAMBI @ IMMANUEL, AGED 22 YEARS,
   S/O.YESUDASAN, KANNETTIVADAKATHIL,
   KAVANAD P.O., KOLLAM.

BY ADV. SRI.JACOB SEBASTIAN
SRI.A.RASHID

RESPONDENT:

CIRCLE INSPECTOR OF POLICE,
CHAVARA POLICE STATION.

BY GOVERNMENT PLEADER SRI. GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J

W.P(C).No.15288 of 2007

Dated this the 6th day of June, 2007

JUDGMENT

Petitioners are accused 6 and 5 respectively in a prosecution alleging offences punishable, inter alia, under Section 307 I.P.C. Other accused have already been tried and acquitted, it is submitted. The alleged incident had taken place on 30.11.1997. Trial against the petitioners has not commenced yet. The petitioners have come to this Court to make a grievance that their right to speedy trial and consequently their right to life have been offended.

2. Why has this case not been taken up so long ? It is admitted that the petitioners were not available when the other accused were tried. Did the petitioners move the learned Judge before whom the case is pending for an expeditious disposal ? If they have not, why have they come before this Court without and before moving the trial court ? I do not get proper and satisfactory answers to these queries. I am satisfied that the petitioners must normally seek the relief of an early disposal from the court in which the case is pending. If and only if the learned Judge for no satisfactory reasons turns down the prayer of the petitioner, can and need this Court consider the prayer. This Court cannot obviously fix the schedule of work for all the subordinate courts. The petitioner must make this request for the first time before this Court.

3. This Writ Petition is, in these circumstances, dismissed. I may hasten to observe that I feel the necessity for an early disposal of the case, where the incident had taken place as early as on 30.11.1997. Petitioners can move the Magistrate for an early disposal along with a copy of this order, if necessary.

4. Hand over a copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

rtr/-